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By: **Delegate Rosenberg (Co-Chairman, Joint Audit Committee)**  
Introduced and read first time: February 8, 2002  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Office of Attorney General - Subpoena Power**

3 FOR the purpose of authorizing the Attorney General to issue a subpoena to a person  
4 to compel testimony or require the production of certain records or documents to  
5 further an ongoing criminal investigation; specifying the manner in which a  
6 subpoena is to be served; authorizing the Attorney General to take certain action  
7 if a person fails to obey a subpoena that is lawfully served; authorizing the  
8 Attorney General to designate in writing a deputy or assistant Attorney General  
9 to exercise certain authority; providing that this Act does not contravene, deny,  
10 or abrogate any privilege or right recognized by law; and generally relating to  
11 the Office of the Attorney General.

12 BY adding to  
13 Article - State Government  
14 Section 6-110  
15 Annotated Code of Maryland  
16 (1999 Replacement Volume and 2001 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - State Government**

20 6-110.

21 (A) TO FURTHER AN ONGOING CRIMINAL INVESTIGATION BASED ON AN  
22 AUDIT PERFORMED BY THE OFFICE OF LEGISLATIVE AUDITS, THE ATTORNEY  
23 GENERAL MAY ISSUE A SUBPOENA TO A PERSON TO COMPEL TESTIMONY OR  
24 REQUIRE THE PRODUCTION OF TELEPHONE, BUSINESS, GOVERNMENTAL, OR  
25 CORPORATE RECORDS OR DOCUMENTS.

26 (B) (1) THE SUBPOENA SHALL BE SERVED IN THE SAME MANNER AS IF  
27 ISSUED BY A CIRCUIT COURT.

1           (2)     IF A PERSON FAILS TO OBEY A SUBPOENA THAT IS LAWFULLY  
2 SERVED, THE ATTORNEY GENERAL MAY REPORT IMMEDIATELY THE DISOBEDIENCE  
3 AND PROVIDE A COPY OF THE SUBPOENA AND PROOF OF SERVICE TO THE CIRCUIT  
4 COURT OF THE COUNTY IN WHICH THE SUBPOENA WAS SERVED.

5           (C)     THE ATTORNEY GENERAL MAY DESIGNATE IN WRITING A DEPUTY OR  
6 ASSISTANT ATTORNEY GENERAL TO EXERCISE THE AUTHORITY UNDER SUBSECTION  
7 (A) OF THIS SECTION.

8           (D)     THIS SECTION DOES NOT CONTRAVENE, DENY, OR ABROGATE ANY  
9 PRIVILEGE OR RIGHT RECOGNIZED BY LAW.

10       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
11 effect October 1, 2002.